IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 289 of 1999

CRL.A.40/1996 OF ADDL. SESSIONS COURT, THRISSUR,
CC.25/1995 OF JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR.
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REVISION PETITIONER/APPELLANT/ACCUSED:

P.V. SASIDHARAN,
S/O. VELAYUDHAN, PULIKKAL HOUSE,
AYYANTHOLE.P.O., THRISSUR - 3.

BY ADV. SRI.P.VIJAYA BHANU,
SRI.S.R.MANOJ.

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:
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1. **E.S.I. CORPORATION - REPRESENTED BY THE INSPECTOR, E.S.I. CORPORATION, THRISSUR.**

2. **STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV. SMT.T.D.RAJALAKSHMI,
PUBLIC PROSECUTOR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Crl.R.P.No.289 OF 1999

Dated 16th July, 2007

ORDER

The revision petitioner was convicted for an offence punishable under Section 85(a), (e) and (g) of the Employees' State Insurance Act. It was the allegation that the revision petitioner was the owner and proprietor of Thrissur Diamond Institute, Thrissur and has failed to pay the E.S.I. Contribution in time. It was the case of the petitioner that he sold the establishment subsequently. That was not enough for non-payment of contribution in time when he was the owner. If he was not the owner for the period in question, it was for him to approach the Employees' Insurance Court and obtain order during the time. It was concurrently found by the courts below that the petitioner was the owner and employer for the purpose of Employees' State Insurance Act. The definition of `employer' is wide in scope under the E.S.I. Act. Only a fine of Rs.5,000/= under Section 85(a) and Rs.4,000/= under Section 85(e) were imposed. I see no ground to interfere with the same.

The revision petition is dismissed.

J.B.KOSHY
Judge

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